

SERVED : November 4, 1993

NTSB Order No. EA-4009

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 19th day of October, 1993

ELIOT C. JONES,

Applicant,

v.

Docket 169-EAJA-SE-12559

DAVID R. HINSON,
Administrator,
Federal Aviation Administration,

Respondent.

ORDER DISMISSING APPEAL

On May 25, 1993, the Administrator filed a notice of appeal from the written initial decision of Administrative Law Judge Patrick G. Geraghty, served on May 20, 1993, in connection with the respondent's application for attorney fees and other expenses under the Equal Access to Justice Act.¹ However, the Administrator has not filed an appeal brief and his appeal is

¹The law judge's decision granted an EAJA award in the amount of \$5,072.77.

therefore subject to dismissal under Section 821.48 a) of the Board's Rules of Practice.² See 49 C.F.R. Part 821.³

ACCORDINGLY, IT IS ORDERED THAT:

The Administrator's appeal is dismissed.

VOGT , Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT , Members of the Board, concurred in the above order.

²Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."

³Section 821.48(a) is applicable to an appeal from an EAJA decision pursuant" to Section 826.38, 49 C.F.R. Part 826.